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7 *Attorneys for Defendants,*
8 LYLE SLAGHT, and DEBOER TRANSPORTATION, INC.

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11
12 RICHARD VILLEGAS, individually, JESSIE
13 VILLEGAS, individually, and as husband and wife,

14 Plaintiffs,

15 v.

16 LYLE SLAGHT, individually, DEBOER
TRANSPORTATION, INC., a Wisconsin
17 Corporation, DOES I - X, and ROE
CORPORATIONS I - X, inclusive,

18 Defendants.
19

CASE NO. 2:10-CV-01051-PMP-LRL


**REQUEST FOR CLARIFICATION OF
FEBRUARY 5, 2013 ORDER REQUIRING
PERSONAL APPEARANCE DEFENDANTS
DEBOER TRANSPORTATION AND LYLE
SLAGHT AT MANDATORY
SETTLEMENT CONFERENCE AND
PROPOSED ORDER**

20 COMES NOW, Defendants, LYLE SLAGHT and DEBOER TRANSPORTATION, INC., by
21 and through their counsel of record, THARPE & HOWELL, LLP, and hereby moves this Honorable
22 Court for clarification of its February 5, 2013, Order Scheduling Settlement Conference requiring
23 personal appearances by Defendants DeBoer Transportation, Inc. and Lyle Slaght at the February 20,
24 2013, Settlement Conference. This Motion is based on the pleadings and papers on file herein, the
25 supporting Affidavit of Brad. R. Kohler, Esq., as well as any additional argument the Court may wish to
26 entertain at a hearing of this matter.
27
28

Pursuant to the Court's Order Scheduling Settlement Conference of February 5, 2013, Defendants DeBoer Transportation, Inc. (Travis Ploman) and Lyle Slaght are required to personally appear at the February 20, 2013 Settlement Conference in this matter. However, at the February 5, 2013, Status Hearing where Defendants' Request for Exception (Dkt. No. 67) was heard, the Court stated that these Defendants could appear by telephone, and only Trial Counsel and the insurance adjuster, Don Huston of Sentry Insurance is required to attend personally. *Affidavit of Brad R. Kohler, Esq.*, attached hereto as Exhibit "A". For this reason, Defendants request the Court clarify its Order of February 5, 2013, that Defendants Lyle Slaght and DeBoer Transportation can attend the February 20, 2013 Mandatory Settlement Conference by telephone.

DATED this 8th day of February, 2013.

THARPE & HOWELL

By: 
Brad R. Kohler, II, Esq.
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Jeremiah Pendleton, Esq.
Nevada Bar No. 9148
6897 W. Charleston Blvd.
Las Vegas, Nevada 89117

Attorneys for Defendants
LYLE SLAGHT, and DEBOER
TRANSPORTATION, INC.

~~PROPOSED~~ ORDER


IT IS SO ORDERED, that the REQUEST FOR CLARIFICATION OF FEBRUARY 5, 2013 ORDER REQUIRING PERSONAL APPEARANCE DEFENDANTS DEBOER TRANSPORTATION AND LYLE SLAGHT AT MANDATORY SETTLEMENT CONFERENCE AND PROPOSED ORDER is here by granted and Defendants' Lye Slaght and DeBoer Transportation (Travis Ploman) can attend the February 20, 2013 Mandatory Settlement Conference by telephone..

DATED this 11th day of February, 2013.


UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted by:

THARPE & HOWELL

By: 
Brad R. Kohler, II, Esq.
Nevada Bar No. 7408
Jeremiah Pendleton, Esq.
Nevada Bar No. 9148
6897 W. Charleston Blvd.
Las Vegas, Nevada 89117
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the th 6 day of February, 2013, service of the foregoing **REQUEST FOR CLARIFICATION OF FEBRUARY 5, 2013 ORDER REQUIRING PERSONAL APPEARANCE DEFENDANTS DEBOER TRANSPORTATION AND LYLE SLAGHT AT MANDATORY SETTLEMENT CONFERENCE AND PROPOSED ORDER** was made via CM/ECF system to the people listed below:

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An Employee of THARPE & HOWELL, LLP

EXHIBIT “A”

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Attorneys for Defendants,
LYLE SLAGHT, and DEBOER TRANSPORTATION, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RICHARD VILLEGAS, individually, JESSIE
VILLEGAS, individually, and as husband and wife,

Plaintiffs,

v.

LYLE SLAGHT, individually, DEBOER
TRANSPORTATION, INC., a Wisconsin
Corporation, DOES I - X, and ROE
CORPORATIONS I - X, inclusive,

Defendants.

CASE NO. 2:10-CV-01051-PMP-LRL

**AFFIDAVIT OF BRAD KOHLER IN
SUPPORT OF MOTION FOR
CLARIFICATION OF FEBRUARY 5, 2013
ORDER REQUIRING PERSONAL
APPEARANCE DEFENDANTS DEBOER
TRANSPORTATION AND LYLE SLAGHT
AT MANDATORY SETTLEMENT
CONFERENCE**

23497

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

BRAD KOHLER, being first duly sworn, deposes, and under penalty of perjury, says as follows:

1. I am an attorney admitted to practice before all the courts of the State of Nevada and I am an associate with the law firm of Tharpe & Howell, LLP, counsel for Defendants DeBoer Transportation and Lyle Slaght.

3. At said hearing, and after argument on Defendants Requests for Exception (Dkt. No. 67) Magistrate Judge Cam Ferenback ordered that DeBoer Transportation, Inc. and Lyle Slaght could appear telephonically for the Settlement Conference re-scheduled for February 20, 2013 at 10:00 A.M.

4. However, later in the day on February 5, 2013, Honorable Magistrate Ferenbach filed an Order Rescheduling a Settlement Conference (Dkt. No. 74) that appeared to inadvertently omit the rulings made at the status conference regarding Mr. Slaght's and DeBoer Transportation's attendance at the Mandatory Settlement Conference by phone, therefore necessitating the instant Motion for Clarification.

FURTHER YOUR AFFIANT SAYETH NAUGHT

Brad Kohler II
BRAD R. KOHLER II

Subscribed and Sworn to before me
this 8th day of February, 2013.

NOTARY PUBLIC in and for
said County and State.

